erminal Disclaimer to Obviate a Double Patering Rejection Over a Prior Patent

09/480 826 Application Number 4782 Confirmation Number Filing Date January 10, 2000 First Named Inventor Taylor Examiner Dawson, Glenn K. Group Art 3731 Attorney Docket No. GUID-006CON5

Date

The own	Cardiothoracic Systems, Inc. , , tion hereby disclaims, except as provided below	of	100	percent interest in the
instant applica	tion hereby disclaims, except as provided below	w, the te	erminal part of t	the statutory term of any paten
granted on the	instant application, which would extend beyon	d the ex	piration date of	f the full statutory term defined
in 35 U.S.C. 1	54 to 156 and 173, as presently shortened by a	ny term	inal disclaimer,	, of prior

5,730,757. The owner hereby agrees that any patent so granted on the Patent No. instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. 🔽 The undersigned is an attorney or agent of record.

The Commissioner is authorized to charge a Terminal Disclaimer fee of other required fees including extensions of time to Deposit Account No. 50-2653. A duplicate copy is attached.

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Signature	11th	Lan			Date	12/	3/66
Firm Name	Law Office of Alan W. Cannon			Address	942 Mesa Oak Court		
City	Sunnyvale		State	California		zip	94086
Telephone - Direct D	al	408-736-355	4	Facsimile	408-736	-3564	

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